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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,979	03/30/2001	Tomohiko Tamura	10432	4195
23850	7590	01/12/2006	EXAMINER	
ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP			KESACK, DANIEL	
1725 K STREET, NW			ART UNIT	
SUITE 1000			PAPER NUMBER	
WASHINGTON, DC 20006			3624	

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/820,979		TAMURA, TOMOHIKO	
	Examiner		Art Unit	
	Dan Kesack		3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/30/01; 2/14/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This application has been reviewed. Original claims 1-31 are pending. The rejections are as stated below.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4-6 recites the limitation "said maximum balance" in line 2 of each claim.

There is insufficient antecedent basis for this limitation in the claim. "Maximum balance" is not recited in any of the claims from which claims 4-6 depend.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3624

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 1-3, 7-10, 14-18, 22-25, 29-31 rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen, U.S. Patent No. 6,422,462 in view of Rudisill, U.S. Patent No. 6,816,721.

Claims 1-3, 7-10, 14-18, 22-25, 29-31, Cohen discloses an apparatus and method for completing transactions, involving an electronic alternative to a currency, in which a user can set the amount of currency that can be used for a set type of transaction (column 5 lines 22-25), if user tries to use the card for any other purpose, the transaction being declined (column 8 lines 3-6), if user tries to charge in excess of the set amount, the charge will be declined (column 8 lines 31-32). It is inherent in this feature that the system disclosed must subtract the amount to be paid from the balance of predetermined credit in order to determine if the resulting balance will be less than zero, and if this result is not zero, and the transaction is approved under the type of transaction requirement, the transaction is allowed (Figure 1).

Cohen fails to teach the card having a minimum balance, comparing the after-transaction balance with the minimum balance in order to determine whether or not the transaction is valid.

Inherent in the credit card device of Cohen is a line of credit, which is recorded by transaction, and must maintain a minimum balance of zero.

Further, Rudisill teaches a method of purchasing products using a prepaid account, accessible by a mobile device, in which the mobile device determines whether sufficient funds exist in the debit account to cover the transaction and maintain a predetermined minimum balance (column 3 lines 11-16). If not, the transaction is denied. It would be obvious to one of ordinary skill in the art at the time of the Applicant's invention, before a transaction, to determine whether there is a sufficient amount of stored currency on the medium before approving the transaction, and denying said transaction if there is not.

7. Claims 4-6, 11-13, 19-21, 26-28 rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen and Rudisill as applied to claims 1-3, 8-10, 16-18, 23-25 above, and further in view of Hudson et al. U.S. Patent No. 4,650,978.

Cohen and Rudisill fail to teach the step of electronic money being loaded onto the card.

Hudson discloses a bank cash card, a user loading said cash card with funds at a bank, the balance and other account information being stored on the magnetic stripe on the card, and the card being used to make purchases. It would be obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the invention of Cohen to include the features of the bank cash card described by Hudson. The credit card device of Cohen contains a magnetic stripe for implementing the feature of

Hudson, and doing so would provide an additional payment option for card users, while still only using one card or device.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Kesack whose telephone number is 571-272-5882. The examiner can normally be reached on M-F, 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 571-272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



HANI M. KAZIMI
PRIMARY EXAMINER